



Docket No. 03161.001242.  
Date: April 8, 2004

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: EMIL WILLI REPEL

Application No.: 09/909,272

For: APPARATUS FOR RECAPPING TIRES

Filed: July 19, 2001

Group Art Unit: 2855

**Mail Stop AF**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated October 10, 2003 of the Primary Examiner finally rejecting claims 1-9.


The items checked below are appropriate.

1. ☒ A Petition for a three (3) month extension of time to respond to the final rejection, together with the \$950.00 extension fee under 37 C.F.R. §1.17, was filed herewith.
2. ☐ A Petition for an additional      month extension of time to take further action, together with the \$      extension fee under 37 C.F.R. §1.17, was filed on     .
3. ☒ Fee \$330.00  
☐ Fee \$165.00 (Verified Statement claiming small entity status is enclosed, if not filed previously.)
  - ☒ Enclosed
  - ☐ Not required (fee paid in prior appeal)
  - ☐ Charge to Deposit Account No. 06-1205 (One additional copy of this Notice enclosed herewith)

4. ☒ Any prior general authorization to charge an issue fee under 37 C.F.R. 1.18 to Deposit Account No. 06-1205 is hereby revoked. The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 or 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 06-1205.

5. ☒ Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

  
Brendan Mee  
Attorney for Applicant  
Registration No. 43,391

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3800  
Facsimile: (212) 218-2200

Form #67

NY\_MAIN 420669v1